

REMARKS

Claims 1, 2, 14, 21-23, 25, 53, 61, 70-72 and 74 were rejected by the Examiner under 35 USC §102(b) as being anticipated by Tsukamoto (USP5,399,506); Claims 20 and 69 were rejected by the Examiner under 35 USC §103(a) as being obvious from Tsukamoto (Claims 20 and 69 being dependent from claims 1 and 53, respectively); and Claims 24 and 73 were rejected by the Examiner under 35 USC §103(a) as being obvious from Tsukamoto in view of Wolf (Claims 24 and 73 being dependent from claims 1 and 53, respectively).

Since all of the claims rejected are either independent claims 1 and 53, or dependent from one of claims 1 and 53. Additionally, all of the Examiner's rejections are based on Tsukamoto alone or in combination with Wolf. Therefore independent claims 1 and 53 will be addressed first in view of Tsukamoto.

One of the distinctions between the present invention and Tsukamoto is that while Tsukamoto uses photons which have no mass to perform the annealing process, the present invention uses particles that have a mass. To drive this difference home, each of independent claims 1 and 53 have been amended to include the language:

"... , said particles including electrons, protons, ions, alpha particles and neutral atoms."

Since Tsukamoto only discloses the use of photons which have no mass in the anneal process, Tsukamoto can not be said to show or suggest the use of particles having a mass in the anneal process as disclosed by the Applicant in the application currently under discussion herein. Thus, independent claims 1 and 53 are now clearly distinguishable from Tsukamoto.

Additionally, all of claims 2, 14, 21-23, 25, 61 and 69-75 which are each dependent from either claim 1 or claim 53 and were rejected based on Tsukamoto or Tsukamoto in combination with Wolf, are also distinguishable from Tsukamoto by virtue of the dependency from amended claims 1 and 53.

As for claims 24 and 73 which are dependent from claims 1 and 53, respectively, and were rejected as being obvious from Tsukamoto in view of Wolf, if Wolf fails to show the distinctions of amended claims 1 and 53 from Tsukamoto, claims 24 and 73 also distinguish over Wolf.

From a reading of Wolf, and noting the Examiner's basis for citing Wolf, the distinction in amended claims 1 and 53 over Tsukamoto could not be found in Wolf. Thus claims 24 and 73, by virtue of their dependence from claims 1 and 53, respectfully, are distinguishable from both Tsukamoto and Wolf.

Additionally the Examiner objected to claims 3-13, 15-19, 54-60 and 62-68 for being dependent from a rejected claim. Since each of those claims is dependent from either claim 1 or claim 53, those claims (less the claims that have been cancelled) are now in condition for allowance since claims 1 and 53 are themselves each in condition for allowance.

Therefore, claims 1-2, 6, 8-14, 16-53 and 57 -74 are distinguishable from the cited references, and the application now in condition for allowance.

Favorable action is respectfully requested.

Respectfully submitted,
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